

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAROLE NEWMARK, x

Plaintiff,

07-CIV-2861(CLB)

-against-

**ANSWER TO THE
FIRST AMENDED
COMPLAINT**

LAWRENCE HOSPITAL CENTER,
PAT ORSAIA, individually, and CATHY
MAGONE, individually

Defendants.

x

Defendants Lawrence Hospital Center (the "Hospital") and Catherine Magone, by their attorneys, Collazo Carling & Mish LLP, for their Answer to the First Amended Complaint herein:

1. Deny the allegations contained in paragraph 1 of the First Amended Complaint, except admit that this action purports to assert claims pursuant to the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*, and the New York State Human Rights Law, Section 290 *et seq.* of the New York State Executive Law.
2. Admit the allegations contained in paragraph 2 of the First Amended Complaint.
3. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the First Amended Complaint, except admit that Newmark ("plaintiff") has a Master of Social Work degree.
4. Admit the allegations contained in paragraph 4 of the First Amended Complaint.
5. Deny the allegations contained in paragraph 5 of the First Amended Complaint, and aver that Magone's title is Director of Clinical Quality and Case Management.

6. Deny the allegations contained in paragraph 6 of the First Amended Complaint, except admit that Orsaia's title was Director of Human Resources, and admit that Magone and Orsaia had authority to terminate Newmark.

7. Deny the allegations contained in paragraph 7 of the First Amended Complaint, except admit that plaintiff was hired in March 2006.

8. Deny the allegations contained in paragraph 8 of the First Amended Complaint, except admit that Nicole Serra was hired by the Hospital as a Social Worker.

9. Deny the allegations contained in paragraph 9 of the First Amended Complaint.

10. Deny the allegations contained in paragraph 10 of the First Amended Complaint, except admit that Magone and Orsaia met with plaintiff to discuss her complaint.

11. Deny the allegations contained in paragraph 11 of the First Amended Complaint, except admit that Magone denied making any discriminatory remarks.

12. Deny the allegations contained in paragraph 12 of the First Amended Complaint, except admit that the Hospital terminated plaintiff on October 5, 2006.

13. Deny the allegations contained in paragraph 13 of the First Amended Complaint.

14. Repeat and incorporate the responses contained in paragraphs 1 to 13 herein.

15. Deny the allegations contained in paragraph 15 of the First Amended Complaint.

16. Repeat and incorporate the responses contained in paragraphs 1 to 15 herein.

17. Deny the allegations contained in paragraph 17 of the First Amended Complaint.

18. Repeat and incorporate the responses contained in paragraphs 1 to 17 herein.

19. Deny the allegations contained in paragraph 19 of the First Amended Complaint.

20. Repeat and incorporate the responses contained in paragraphs 1 to 19 herein.

21. Deny the allegations contained in paragraph 21 of the First Amended Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

22. Plaintiff failed to exhaust her administrative remedies with respect to her retaliation claims against defendants.

WHEREFORE, defendants demand that judgment be entered in its favor dismissing this action in its entirety, awarding to defendants their costs, inclusive of attorney's fees, and such other relief as the Court may deem just and proper.

Dated: New York, New York
October 23, 2007

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